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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/681,136

10/09/2003

Dae-Sung Han

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21171

7590

06/26/2006

STAAS & HALSEY LLP

SUITE 700

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EXAMINER

PRICE, CARL D

ART UNIT

PAPER NUMBER

3749

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/681,136

**Applicant(s)**

HAN ET AL.

**Examiner**

CARL D. PRICE

**Art Unit**

3749

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/14/2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**Response to Arguments**

Applicant's arguments with respect to claims 1-3 and 7-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant has amended the claims to be of a scope not previously considered. Consistent with applicant's argument that the prior art relied on in the previous office action fail to show, disclose and/or teach certain aspects of applicant's invention now recited in the claims filed on 04/14/2006, applicant has amended the claims to include the following:

“a cover member extending from an edge of the opening to cover an upper surface of the heat blocking member and downwardly inclined so that a material dropping from the food laid on the grill unit is guided into the opening.”

The prior art reference of JP11-201455 is now relied on to address the scope of the invention now defined by the limitations of the claims. That is JP11-201455 is relied on to show the known use of a cover member (12) extending from an edge of an opening to cover an upper surface of a heat blocking member (18) and downwardly inclined so that a material dropping from the food laid on the grill unit is guided into the opening.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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*This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

Claims 1- 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US002996597 (Persinger et al) (of record) in view of JP11-201455 (newly cited).

US002996597 (Persinger et al) shows and discloses a cooking apparatus comprising:

- a cabinet (10) opened at a top surface thereof to provide an upper opening;
- a grill unit (28) seated in the opening of the cabinet so as to support food over the opening;
- a heating unit (51) installed in the cabinet at a position off set from an effective grill part of the grill unit;
- a reflective tray (40);
- a heat blocking member (52A, 52B) integrally extending from a reflecting member (52) of the heating unit (51) the reflecting member (52) provided:
  - at a rear portion of the heating unit; and the heat blocking member integrally extends from the reflecting member to reflect the thermal energy transmitted from the heating unit(see column 2, lines 44-53: "...to reflect heat **downwardly** in the direction of the firebox ... to reflect heat **upwardly** in the general direction of the grill 28"); the upper opening including a cover member (note the inwardly extending upper wall portion (not referenced; left of "30" figure 1)) spaced apart from the heat blocking member by a predetermined gap to provide an air layer (generally at 52B; figure 3) between the cover member and the heat blocking member; and,
  - the upper opening including a cover member (note the inwardly extending upper wall portion (not referenced; left and upward of "30" figure 1)) spaced apart from the heat blocking member by a predetermined gap to provide an air layer (generally at 52B; figure 3) between the cover member and the heat blocking member.

It is further noted that the cooking apparatus of US002996597 (Persinger et al) is arranged to uniformly transmit heat to the comestibles on the grill, and is optionally intended to operate with no fuel (C) present in the lower firebox tray (40). That is, "the electrical heating unit 51 within the base 10 and between the firebox 40 and the grill 28 for the purpose of supplying heat *either* to a charcoal or other combustion fuel in the firebox 40 to aid in its ignition

or, *in the absence of such combustible fuel C, to supply heat to the comestibles on the grill*' (see column 2, lines 30-39). In regard to claim 7, when operated only with electrical heating element, with no fuel present in firebox tray (40), the tray inner wall surfaces (i.e. - flat bottom and inclined walls tray) would inherently collect droppings from the grill and reflect radiant heat energy, at least to some degree. Therefore, the tray is deemed the structural and functional equivalent to applicant's broadly claimed removable "tray with a reflective plate".

**US002996597 (Persinger et al)** shows and discloses the invention substantially a set forth in the claims with possible exception to:

- a cover member extending from an edge of the opening to cover an upper surface of the heat blocking member and downwardly inclined so that a material dropping from the food laid on the grill unit is guided into the opening.

**JP11-201455** teaches, from applicant's same cooking grill field of endeavor, a cooking apparatus a cover member (12) extending from an edge of an opening to cover an upper surface of a heat blocking member (18) and downwardly inclined so that a material dropping from the food laid on the grill unit is guided into the opening.

In regard to claims 1- 3, 7 and 8, for the purpose of directing material dropping from the food laid on the grill unit into the opening, it would have been obvious to a person having ordinary skill in the art to modify the top of **US002996597 (Persinger et al)** to include a downwardly inclined cover member extending from an edge of the opening to cover an upper surface of the heat blocking member, in view of the teaching of **JP11-201455**.

#### **5 U.S.C. 103(a): Claims**

Claims 1-3 and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **JP 11-299654** (of record) in view of **US002996597 (Persinger et al)** **JP 06-154100** (of record) and **JP 2002-355178** (of record) and **JP11-201455** (newly cited).

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**JP 11-299654** shows and discloses a cooking apparatus comprising:

- a cabinet opening (13a) and a downwardly inclined cover (13c) at a top surface thereof to provide an upper opening;
- a grill unit (14) seated in the opening of the cabinet so as to support food over the opening;
- a two opposing heating units (16) installed in the cabinet at a position off set from an effective grill part of the grill unit;
- a tray (2) including a reflective plate (32). The tray having a hump (32), oil grooves (31) and inclined reflective plates to reflect the thermal energy from the heating units to the grill unit. The tray is set at a predetermined position below the opening to collect a material dropping from the food laid on the grill unit and an end of an end cover member (13c) positioned in a space above the tray so as to guide the material dropping from the food to the tray. Water is contained in a drippings tray to prevent an excessive rise in temperature.

**JP 11-299654** shows and discloses the invention substantially as set forth in the claims with possible exception to:

- a heat blocking member integrally extending from a reflecting member of the heating unit, a tray having a hump, oil grooves and defining reflecting plates, and set at a predetermined position below the opening to collect a material dropping from the food laid on the grill unit, and an end of the cover member positioned in a space above the tray so as to guide the material dropping from the food to the tray;
- each of the heating units includes a ceramic member with a heating element to generate the thermal energy;
- the heating units are inclined to tilt toward the opening to transmit the thermal energy to the grill unit;
- a plurality of water tanks and a plurality of hollow grill pipes arranged between the water tanks to connect the water tanks to each other; and
- a cover member extending from an edge of the opening to cover an upper surface of the heat blocking member and downwardly inclined so that a material dropping from the food laid on the grill unit is guided into the opening.

**US002996597 (Persinger et al)** teaches, from applicant's same cooking grill field of endeavor, a cooking apparatus comprising:

- a cabinet (10) opened at a top surface thereof to provide an upper opening;
- a grill unit (28) seated in the opening of the cabinet so as to support food over the opening;
- a heating unit (51) installed in the cabinet at a position off set from an effective grill part of the grill unit;
- a reflective tray (40); and,

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- a heat blocking member (52A, 52B) integrally extending from a reflecting member (52) of the heating unit (51).

**JP 06-154100** teaches, from applicant's same cooking grill field of endeavor, a cooking apparatus comprising:

- a cabinet (15) opened at a top surface thereof to provide an upper opening;
- a grill unit (5) seated in the opening of the cabinet so as to support food over the opening;
- a upwardly inclined heating units (8) installed in the cabinet at a position off set from an effective grill part of the grill unit and including ;
- a tray (10); and,
- a heat blocking member (at 9) integrally extending from a reflecting member of the heating unit (8).

**JP 2002-355178** teaches from the same cooking grill field of endeavor as **JP 11-299654** providing a grill with a plurality of water tanks (2, 3) respectively seated on both sides of the cabinet to contain water; and a plurality of hollow grill pipes (8, 9) arranged between the water tanks to connect the water tanks to each other for cooling the grill to prevent sticking.

**JP11-201455** teaches, from applicant's same cooking grill field of endeavor, a cooking apparatus a cover member (12) extending from an edge of an opening to cover an upper surface of a heat blocking member (18) and downwardly inclined so that a material dropping from the food laid on the grill unit is guided into the opening.

In regard to claims 1-3 and 7-20, for the purpose of reflecting heat downwardly in the direction of the tray as well as to reflect heat upwardly in the general direction of the grill to provide even distribution of heat to the food supporting grill, it would have been obvious to a person having ordinary skill in the art to modify the heat unit of **JP 11-299654** to include a heat blocking member integrally extending from a reflecting member, in view of the teaching of **US002996597 (Persinger et al)**. Alternatively, for the purpose of reflecting providing even distribution of heat to the food supporting grill, it would have been obvious to a person having ordinary skill in the art to modify the heat unit of **JP 11-299654** to include a heat blocking member integrally extending from a reflecting member and to orient the heating unit in an

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upward direction toward the grill, in view of the teaching of **JP 06-154100**. Also, in regard to claims **1-3** and **5-20**, for the purpose of directing material dropping from the food laid on the grill unit into the opening, it would have been obvious to a person having ordinary skill in the art to modify the top of **US002996597 (Persinger et al)** to include a downwardly inclined cover member extending from an edge of the opening to cover an upper surface of the heat blocking member, in view of the teaching of **JP11-201455**.

In regard to claims **10, 11** and **18-20**, Official Notice is taken that it is well known to:

- use ceramic burners, inclined toward a grill, as a suitable source of heat for cooking food (See for example, **US003757765** (both of record)), **US002997941**(of record)), and **UK 2286111** (of record)) and **US003527199** (newly cited);
- provide cooking grills with a timer switch to control an operation time of the heating units (See for example, **US002997941** (of record)); and,
- provide cooking grills with a power switch to control a heating temperature of the heating units (See for example, **US002997941** (of record)).

Thus, in view of that which is well known, it would have been obvious to a person having ordinary skill in the art to modify the heat source of **JP 11-299654** to be an inclined ceramic burner, a timer and power switch.

In regard to claims **9 - 18**, for cooling the grill to prevent sticking, it would have been obvious to a person having ordinary skill in the art to modify the grilling surface to **JP 11-299654** to include a plurality of water tanks seated on both sides of the cabinet to contain water; and a plurality of hollow grill pipes arranged between the water tanks to connect the water tanks to each other, in view of the teaching of **JP 2002-355178**.

### **Conclusion**

See the attached USPTO form 892 for prior art made of record and not relied upon which is considered pertinent to applicant's disclosure.



**THIS ACTION IS MADE FINAL**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

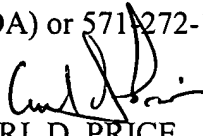
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**USPTO CUSTOMER CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is (571) 272-4880. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571) 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CARL D. PRICE  
Primary Examiner  
Art Unit 3749

CP